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**United States District Court
Central District of California**

11 HSBC BANK USA NATIONAL
12 ASSOCIATION,

13 Plaintiff,

14 v.

15 WILLIE MAYORA; DOES 1–5,
16 inclusive,
17 Defendants.

Case No. 2:15-cv-00607-ODW(PJW)

**ORDER REMANDING CASE TO
LOS ANGELES COUNTY
SUPERIOR COURT**


18 On January 27, 2015, Defendant Willie Mayora removed this action from Los
19 Angeles County Superior Court, invoking federal and diversity jurisdiction. (ECF
20 No. 1.) Mayora’s removal is improper on numerous grounds. First, the underlying
21 state court action was filed over five months ago. This is well past the thirty-day
22 removal window under 28 U.S.C. § 1446(b). Second, the underlying suit involves
23 only a state law cause of action and Mayora’s alleged federal defenses do not create a
24 federal question basis for removal. *See Franchise Tax Bd. v. Construction Laborers*
25 *Vacation Trust*, 463 U.S. 1, 10 (1983). Third, federal law prohibits removal “if any of
26 the parties in interest properly joined and served as defendants is a citizen of the State
27 in which such action is brought.” 28 U.S.C. § 1441(b)(2). Mayora is a citizen of
28 California and therefore cannot remove his California state court action to federal

1 court on the basis of diversity.

2 The Court therefore **REMANDS** this case to Los Angeles County Superior
3 Court, case number 14U10006. The Clerk of the Court shall close this case.

4 **IT IS SO ORDERED.**

5
6 February 5, 2015

A handwritten signature in black ink, appearing to read "Otis D. Wright, II", is written over a horizontal line.

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9 **OTIS D. WRIGHT, II**
10 **UNITED STATES DISTRICT JUDGE**
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